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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/728,471

11/30/2000

Alan Young

CITI0207

3173

27510 7590 11/16/2007
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EXAMINER

SHAAWAT, MUSSA A

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

11/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/728,471	Applicant(s) YOUNG ET AL.	
	Examiner Mussa A. Shaawat	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/10/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-7, 9, 10, 12, 14-16, 23, 25, 46 and 62-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-7, 9-10, 12, 14-16, 23, 25, 46, and 62-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

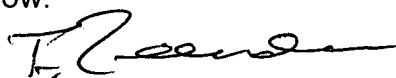
1. In view of the Appeal Brief filed on August 10, 2007, **PROSECUTION IS HEREBY REOPENED**. New grounds of rejection as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) File a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) Initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

 11/13/07

2. Amendment received September 8, 2005 has been acknowledged. Claims 1, 4, 6, 12, 14-16, 23, 25, 46, 62-65 and 68 have been amended. Claims 2-3, 8, 11, 13, 17-22, 24, 26-45, 47-61 and 70 have been cancelled. Claims 1, 4-7, 9-10, 12, 14-16, 23, 25, 46, and 62-69 are pending examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1, 4-7, 9, 10, 12, 14-16, 23, 25, 46 and 62-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wharton (2005/0027610), in view of Arunachalam (2003/006922) and in further view of Daly et al, US Patent No. (5,878,141) referred to hereinafter as Daly.

Wharton discloses a method and system for data management of an electronic transaction with the steps of: receiving an order from an interface-enabled communications device via a wireless communication network coupled to the transaction portal server (step 78-84), retrieving product information data from the product database of the merchant by the merchant server via the wireless communication network coupled to the transaction portal server (via vendor catalog), receiving payment option data comprising information describing a desired means of payment for the product by the merchant check-out application of the merchant server from the interface-enabled communications device via the wireless communication network coupled to the transaction portal server (§ 0041), transmitting payment authorization data to a the payment processor by the transaction portal server (§ 0047; via verifying the merchant and customer identification information against that stored in the databases, and conducting payment verification functions via the payment proxy (and perhaps according to a runtime payment verification script obtained from the merchant database), receiving authorization from the payment processor (12) by the transaction portal server (32), and transmitting order information to a check-out application of the merchant server by the transaction portal server (§ 42-47).

Wharton further discloses displaying and selecting product code associated with the product (via entry items 44E that described the purchased items).

Wharton also discloses the product information comprises the price of the product, and name of the product, and the product code comprises a unique number assigned to the product (as illustrated in Figure 1, § 0033). Providing an order

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confirmation to the interface enabled communications device (§ 0046), and receiving customer identification information comprises receiving customer identification information from the interface-enabled communications device (§ 0047), and wherein the interface enabled communications device comprises a web browser (such as the Internet; § 0030). The interface-enabled communications device comprises a wireless telephone (§ 0022), or at least one of the following: a personal computer (32).

The transaction portal server (32) is in communication with at least two merchant servers (34, 36, 38), and the desired means of payment for the product comprises a credit card (§ 0041), and offering a product for purchase from a merchant comprises providing a hyperlink on the transaction portal server to a merchant server (§ 0040).

Although Wharton discloses carrying out the order fulfillment so that the products get shipped to the right location, Wharton fails to explicitly disclose transmitting order information to a check out application of the merchant server by the transaction portal server, and causing the electronic wallet server to complete payment and shipping information fields in an order fulfillment database of the merchant server by the transaction portal server, and receiving by the transaction portal server order confirmation information from the merchant server and displaying the order confirmation information by the transaction portal server on the display screen of the wireless communication device for the customer .

Arunachalam discloses the concept of receiving in a transaction portal server (350) via a wireless communication switching facility coupled to the transaction portal server over a global network request entered by a customer on a wireless

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communication device (310) coupled to the wireless communication switching facility (see ¶ 51, 52). Arunachalam discloses the concept of having a default payment (via Visa node 1225) and further transmitting order information to a check out application (such as hub 1210 by the transaction portal server, and causing the electronic wallet server to complete payment and shipping information fields in an order fulfillment database of the merchant server by the transaction portal server (see ¶ 0098-0099), and receiving by the transaction portal server order confirmation information from the merchant server and displaying the order confirmation information by the transaction portal server on the display screen of the wireless communication device for the customer (¶ 0100).

From this teaching of Arunachalam, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the unified checkout step of Wharton to include the delivery information and confirmation of the service transaction as taught by Arunachalam in order to facilitate online transaction processing.

Furthermore:

Although Wharton teaches receiving payment option data comprising information describing a desired means of payment for the product by the merchant check-out application of the merchant server from the enabled-interface communications device via the wireless communication network coupled to the transaction portal server (see at least Para [0041]), Wharton does not expressly teach retrieving default payment method information for the customer by the transaction portal server from an electronic wallet.

However, Daly teaches retrieving default payment method information for the customer by the transaction portal server from an electronic wallet, (see col.12 lines 53-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Daly into the disclosure of Wharton in order to provide the customer with an added convenience by giving the customer the choice of using the default payment option previously utilized by the customer and not having to re-enter his/her payment information every time they would like to purchase a product on-line.

In addition, although Wharton teaches receiving an order from an interface-enabled communication device via a wireless communication network coupled to the transaction portal server, and retrieving product information data (such as SKU number i.e unique id, product identification, quantity and price, etc.), from the product database of the merchant by the merchant server via the wireless communication network coupled to the transaction portal server (see at least Para [0033]), Wharton does not expressly teach a customer entering a unique product and merchant identifying code.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disclosure of Wharton to include customer entering a unique product and merchant identifying code, because doing so would identify the specific product of interest identified by the specific code.

References Cited

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form 892 for cited references.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 4-7, 9, 10, 12, 14-16, 23, 25, 46 and 62-69 have been considered but are moot in view of the new ground(s) of rejection.

Arunachalam discloses a service network processing 350 that is functionally interposed between a client access device 310 and multiple service providers and associated software that provides services to the client access device 310.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

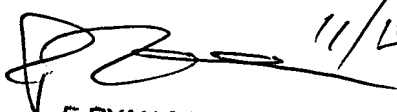
Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A. Shaawat whose telephone number is 571-272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mussa Shaawat
Patent Examiner
November 9, 2007

 11/13/07
F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER